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PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		<b>Patent Number</b>	6,787,574 B1; Appln. No. 09/694,789
		<b>Issue/Filing Date</b>	9/7/2004; 10/24/2000
		<b>First Named Inventor</b>	Charles E. FARLEY et al.
		<b>Group Art Unit</b>	1731
		<b>Examiner Name</b>	J. Fortuna
<b>Total Number of Pages in This Submission</b>	17	<b>Attorney Docket Number</b>	005242.87031

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>  Application for Patent Term Adjustment Under 37 CFR 1.705(d) and Renewed Application for Patent Term Adjustment Under 37 CFR 1.705(b); exhibits A & B
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
<b>Firm or Individual name</b>	Paul M. Rivard, Reg. No. 43,446
<b>Signature</b>	
<b>Date</b>	September 27, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
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**FEE TRANSMITTAL**  
**for FY 2004**  
Effective 10/01/2003. Patent fees are subject to annual revision.  
Patent Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 200.00

**Complete if Known**

Patent/Appln No.	6,787,574 B1; Appln. No. 09/694,789
Issue/Filing Date	9/07/2004; 10/24/2000
First Named Inventor	Charles E. FARLEY et al.
Examiner Name	J. Fortuna
Art Unit	1731
Attorney Docket No.	005242.87031

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
☒ Deposit Account:  
Deposit Account Number: 19-0733  
Deposit Account Name: Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)  
☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		**	=	0	X		=	0
Independent Claims		**	=	0	X		=	0
Multiple Dependent	0		X	290	=		=	0

**Large Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0)				

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
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1503	640	2503	320	Plant issue fee	
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1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) 1455 Filing an Application for patent term adjustment					200
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$ 200)					

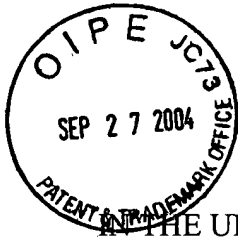
**SUBMITTED BY**

Name (Print/Type)	Paul M. Rivard	Registration No. (Attorney/Agent)	43,446	Telephone	(202) 824-3000
Signature		Date	September 27, 2004		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	)	
	)	
Charles E. FARLEY <i>et al.</i>	)	
	)	
U.S. Patent No. 6,787,574 B1	)	Examiner: Fortuna, J.
(Serial No. 09/694,789)	)	
	)	
Issued: September 7, 2004	)	Group Art Unit: 1731
	)	
For: EMULSIFICATION OF ALKENYL	)	Atty Dkt No.: 005242.87031
SUCCINIC ANHYDRIDE SIZE	)	

**APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) AND RENEWED APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully apply for reconsideration under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(d) of the patent term adjustment indicated on the Issue Notification mailed August 19, 2004 and on the face of the above-captioned patent issued September 7, 2004. Please charge \$ 200 for the petition fee to our Deposit Account 19-0733. If this amount is incorrect, the Commissioner is authorized to debit or credit our Deposit Account 19-0733 for any deficiency or overpayment.

On August 13, 2003 Applicants applied for reconsideration of the patent term adjustment indicated on the Notice of Allowance mailed June 12, 2003. However, Applicants never received a decision on that petition. Applicants hereby renew their August 13, 2003 Application for Patent Term Adjustment Under 37 C.F.R. § 1.705(b).

### August 13, 2003 Petition

Applicants filed an Application for Patent Term Adjustment Under 37 C.F.R. § 1.705, for the above-identified matter, on August 13, 2003, along with payment of the issue fee and submission of a fee transmittal, which authorized payment for both the issue fee and the patent term adjustment fee to our Deposit Account No. 19-0733. Attached is a copy of the date-stamped green card, along with a copy of the papers as filed on August 13, 2003 (TAB A).

Although the date-stamped green card did not specifically list the Application for Patent Term Adjustment, the U.S. Patent and Trademark Office's PAIR System shows receipt of a "miscellaneous paper" on August 13, 2003, which was the Application for Patent Term Adjustment. Not only was this petition never decided by the Patent and Trademark Office, but the USPTO's misidentification of this paper caused Applicants to be improperly penalized 120 days of Patent Term Adjustment. Attached is a copy of the PTO transaction history and the PTO's patent term adjustment calculation from the PAIR system for the above-identified application (TAB B).

For reasons set forth in the August 13, 2003 petition, the initial Patent Term Adjustment on the Notice of Allowance should have been 63 days instead of 27 days.

### Statement of Facts

The Issue Notification indicates the term of adjustment is 175 days. However, Applicants respectfully submit that such a determination is not correct and that the proper term adjustment is 332 days.

The application was filed on October 24, 2000.

Fourteen months from the filing date of the application was December 24, 2001.

The First Office Action was mailed on February 25, 2002. The First Office Action therefore was mailed 63 days after the expiration of the 14 month time period for mailing a notice under 35 U.S.C. § 132 set forth in 35 U.S.C. § 154(b)(1)(A)(i)(I) and 37 C.F.R. §1.702(a)(1).

All Amendments/Responses by the applicants were filed within the three month time period set forth in 37 C.F.R. §1.704(b).

Payment of the issue fee was made on August 13, 2003. However, the patent did not issue until September 7, 2004. Under 37 C.F.R. § 1.702(a)(4), a patent should issue no later than four months after the date on which the issue fee was paid, i.e., four months after payment of issue fee would be issuance of no later than December 13, 2003. The patent issued 269 days after December 13, 2003.

The above-captioned patent is not subject to a terminal disclaimer.

Applicants did not engage in any actions that would require a reduction in the patent term adjustment under 37 C.F.R. §1.704. It is axiomatic that the first Application for Patent Term Adjustment filed August 13, 2003 should not be considered a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.705(c)(10). Accordingly, under 37 C.F.R. §§1.703(a)(1) and (6), the period of adjustment should be the number of days between the first day after the expiration of the 14 month time period and the date on which the first Office Action was issued, which totals 63 days, plus the number of days between the first day after the

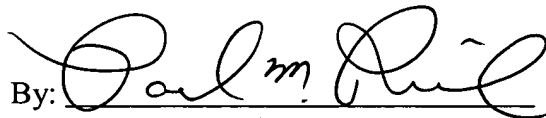
expiration of the 4 month time period after payment of the issue fee and the issue date of the patent, which totals 269 days, for a total Patent Term Adjustment of 332 days.

The above set forth facts clearly support Applicants' position that the proper term adjustment should be 332 days because (1) the number of days from December 24, 2001 to February 25, 2002 is 63; (2) the number of days from December 13, 2003 to September 7, 2004 is 269; (3) the Applicants did not engage in any conduct that should be considered a failure to engage in reasonable efforts to conclude examination as defined in 37 C.F.R. §1.704; and (4) Applicants timely submitted the first Application for Patent Term Adjustment (at the time of payment of issue fee), and are timely submitting this Application for Patent Term Adjustment (within 30 days from date of issuance of patent, i.e., on or before October 7, 2004.)

Applicants respectfully submit that the correct Patent Term Adjustment should be 332 days. A Notice to this effect is respectfully requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: 

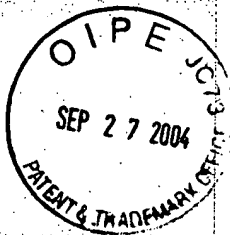
Paul M. Rivard

Registration No. 43,446

Date: September 27, 2004

1001 G Street, N.W.  
Washington, DC 20001-4597  
(202) 824-3000 (main)  
(202) 824-3001 (facsimile)

Customer No. 22907



☒ **PATEI** ☐ **DESIGN** B&W Ref. 005242.87031 Date 8/13/03  
☐ **HAND CARRY Group/Section** Bldg Rm  
Serial/Patent No. 09/694,789 Atty/Sec PMR/sqs  
Inventor Charles Farley et al. Client G-P  
Title \_\_\_\_\_

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |  |
|---|--|
| <input type="checkbox"/> total pp Spec., including: # of Claims _____<br>(# of independent claims _____): <input type="checkbox"/> Abstract     | <input type="checkbox"/> Sequence Listing: <input type="checkbox"/> Diskette <input type="checkbox"/> Paper              |
| <input type="checkbox"/> Drawings: <input type="checkbox"/> Formal <input type="checkbox"/> Informal<br># of distinct sheets _____: Figs. _____ | <input type="checkbox"/> Amendment <input type="checkbox"/> Response: OA dtd _____                                       |
| <input type="checkbox"/> Declaration/Power of Attorney: <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted                   | <input type="checkbox"/> Petition for Extension of Time until _____  |
| <input type="checkbox"/> Assignment w/PTO Cover Sheet   | <input type="checkbox"/> CPA <input type="checkbox"/> RCE <input type="checkbox"/> w/Ext of Time: OA dtd _____           |
| <input type="checkbox"/> IDS w/PTO 1449 <input type="checkbox"/> References <input type="checkbox"/> w/Fee                                      | <input type="checkbox"/> Request for Approval of Drawing Changes   |
| <input type="checkbox"/> Preliminary Amendment  | <input type="checkbox"/> Notice of Appeal & Fee  |
| <input type="checkbox"/> Priority Claim (Foreign or U.S. Provisional B&W # _____)   | <input type="checkbox"/> Brief: <input type="checkbox"/> Appeal & Fee <input type="checkbox"/> Reply                     |
|   | <input type="checkbox"/> Request for Oral Hearing  |
|   | <input checked="" type="checkbox"/> Issue Fee <input type="checkbox"/> Advance Patent Copies (# ordered _____)           |
|   | Notice of Allowance dtd <u>June 12, 2003</u>   |
| Country _____ Appl. # _____ Date _____  | <input type="checkbox"/> Amendment under 37 CFR 1.312  |
| <input type="checkbox"/> w/Foreign Priority Document(s)   | <input type="checkbox"/> Request for Certificate of Correction   |
| <input type="checkbox"/> Application: <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional    | <input type="checkbox"/> Transmittal <input checked="" type="checkbox"/> Fee Transmittal w/Auth. to Charge Deposit Acct. |
| Parent Ser. No. _____ B&W# _____  | <input type="checkbox"/> Certificate of Mailing  |
| <input type="checkbox"/> U.S. Provisional _____ pp Spec/Claims; Cover Sheet   | <input type="checkbox"/> Check # _____ for \$ _____  |
| <input type="checkbox"/> Response to Missing Parts/Requirements dtd _____   | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Response to Notice to File Corrected Appl. Papers dtd _____  | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Request for Expedited Foreign Filing License   | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Request for Corrected: <input type="checkbox"/> Filing Receipt <input type="checkbox"/> Assignment                     | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Response to Restriction/Election Requirement   | <input type="checkbox"/> _____   |

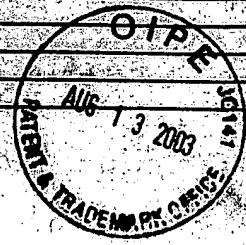
B&W Rev. 5/01

☒ **PATENT** ☐ **DESIGN** B&W Ref. 005242.87031 Date 8/13/03  
☐ **HAND CARRY Group/Section** Bldg Rm  
Serial/Patent No. 09/694,789 Atty/Sec PMR/sqs  
Inventor Charles Farley et al. Client G-P  
Title \_\_\_\_\_

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |   |
|---|---|
| <input type="checkbox"/> total pp Spec., including: # of Claims _____<br>(# of independent claims _____): <input type="checkbox"/> Abstract     | <input type="checkbox"/> Sequence Listing: <input type="checkbox"/> Diskette <input type="checkbox"/> Paper               |
| <input type="checkbox"/> Drawings: <input type="checkbox"/> Formal <input type="checkbox"/> Informal<br># of distinct sheets _____: Figs. _____ | <input type="checkbox"/> Amendment <input type="checkbox"/> Response: OA dtd _____  |
| <input type="checkbox"/> Declaration/Power of Attorney: <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted                   | <input type="checkbox"/> Petition for Extension of Time until _____   |
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|   | <input checked="" type="checkbox"/> Issue Fee <input type="checkbox"/> Advance Patent Copies (# ordered _____)            |
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| Country _____ Appl. # _____ Date _____  | <input type="checkbox"/> Amendment under 37 CFR 1.312   |
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24



B&W Rev. 5/01

**FEE TRANSMITTAL**  
**for FY 2003**

Patent fees are subject to annual revision.

Complete if Known

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1600

Application Number	09/694,789
Filing Date	October 24, 2000
First Named Inventor	Charles E. Farley et al.
Examiner Name	J. Fortuna
Art Unit	1731
Attorney Docket No.	005242.87031

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order☒ Deposit Account:Deposit  
Account  
Number

19-0733

Deposit  
Account  
Name

Banner &amp; Witcoff, Ltd.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
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SUBTOTAL (1)					(\$ 0)

## 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			0	0	0
			0	0	0
					0

Large Entity		Small Entity		Fee Description
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1501	1,300	2501	650	Utility issue fee (or reissue)	1300
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Other fee (specify) Patent Term Adjustment Fee

300

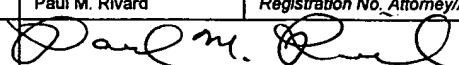
\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1600)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Paul M. Rivard	Registration No. Attorney/Agent)	43,446	Telephone	(202) 824-3100
Signature				Date	8/13/03

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Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231



# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
**Commissioner for Patents**  
**Alexandria, Virginia 22313-1450**  
**Fax (703)746-4000**

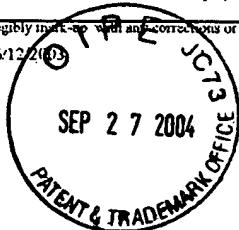
INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly indicate any and all corrections or use Block 1)

7590

06/12/2003

Banner & Witcoff, Ltd.  
 1001 G Street, N.W.  
 Washington, DC 20001-4597



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,789	10/24/2000	Charles E. Farley	05242.87031	8595

TITLE OF INVENTION: EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$0	\$1300	09/12/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
FORTUNA, JOSE A	1731	516-015000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Banner & Witcoff, Ltd.  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Georgia-Pacific Resins, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Atlanta, GA (U.S.A.)

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☐ Publication Fee

☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 19-0733 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

Paul M. Rivard, Reg. No. 43,446

(Date)

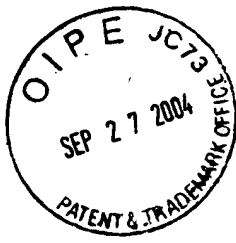
8/13/03

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	
Charles E. FARLEY <i>et al.</i>	)	
	)	Examiner: Fortuna, J.
Serial No. 09/694,789	)	
	)	Group Art Unit: 1731
Filed: October 24, 2000	)	
	)	Atty Dkt No.: 005242.87031
For: EMULSIFICATION OF ALKENYL	)	
SUCCINIC ANHYDRIDE SIZE	)	

**APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully apply for reconsideration under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(b) of the patent term adjustment indicated on the notice of Determination of Patent Term Adjustment mailed June 12, 2003 ("Notice") in the above-captioned application.

The Notice set the term adjustment at 27 days. However, Applicants respectfully submit that such a determination is not correct and that the proper term adjustment is 63 days.

As indicated below, the first Office Action was mailed 63 days after the expiration of the 14 month time period for mailing a notice under 35 U.S.C. § 132 set forth in 35 U.S.C. § 154(b)(1)(A)(i)(I) and 37 C.F.R. § 1.702(a)(1).

The applicants did not engage in any actions that would require a reduction in the patent term adjustment under 37 C.F.R. §1.704. Accordingly, under 37 C.F.R. §§1.702(a)(1) and 1.703(a)(1) the period of adjustment should be the number of days between the first day after the expiration of the 14 month time period and the date on which the first Office Action was issued, which totals 63 days.

A statement of the facts is as follows:

The application was filed on October 24, 2000.

Fourteen months from the filing date of the application was December 24, 2001.

The first Office Action was mailed on February 25, 2002.

All Amendments/Responses by the applicants were filed within the three month time period set forth in 37 C.F.R. §1.704(b).

The above-captioned application is not subject to a terminal disclaimer.

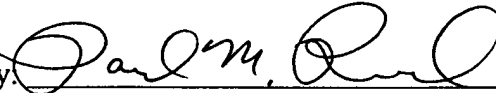
The above set forth facts clearly support Applicants' position that the proper term adjustment should be 63 days because (1) the number of days from December 24, 2001 to February 25, 2002 is 63 and (2) the Applicants did not engage in any conduct that could be considered a failure to engage in reasonable efforts to conclude examination as defined in 37 C.F.R. §1.704.

Applicants also submit herewith a Fee Transmittal authorizing the requisite fee under 37 C.F.R. § 1.18(e) (\$200) to be charged to our Deposit Account No. 19-0733. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 as appropriate.

Applicants respectfully submit that the correct Patent Term Adjustment should be 63 days. A Notice to this effect and a correction of the patent term adjustment are requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: 

Paul M. Rivard

Registration No. 43,446

Date: August 13, 2003

1001 G Street, N.W.  
Washington, DC 20001-4597  
(202) 824-3000 (main)  
(202) 824-3001 (facsimile)

Customer No. 22907



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09/694,789

EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE

## Application Data

Application Number:	09/694,789	Customer Number:	-
Filing or 371 (c) Date:	10-24-2000	Status:	Patented Case
Application Type:	Utility	Status Date:	08-19-2004
Examiner Name:	FORTUNA, JOSE A	Location:	ELECTRONIC
Group Art Unit:	1731	Location Date:	-
Confirmation Number:	8595	Earliest Publication No:	-
Attorney Docket Number:	05242.87031	Earliest Publication Date:	01-01-0001
Class / Subclass:	516/015	Patent Number:	6,787,574
First Named Inventor:	Charles Farley , Conyers, GA	Issue Date of Patent:	09-07-2004
Title of Invention:	EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE		

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09/694,789

EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE

## Transaction History

Date	Contents Description
09-07-2004	Recordation of Patent Grant Mailed
08-19-2004	Issue Notification Mailed
09-07-2004	Patent Issue Date Used in PTA Calculation
08-12-2004	Receipt into Pubs
08-11-2004	Dispatch to FDC
08-14-2003	Mailroom Date of Issue Fee Payment
08-10-2004	Receipt into Pubs
08-13-2003	Miscellaneous Incoming Letter
11-07-2003	Application Is Considered Ready for Issue
08-13-2003	Mailroom Date of Issue Fee Payment
10-23-2003	Receipt into Pubs
08-13-2003	Issue Fee Payment Recorded
07-25-2003	Workflow - File Sent to Contractor
06-12-2003	Mail Notice of Allowance
06-12-2003	Notice of Allowance Data Verification Completed
06-12-2003	Case Docketed to Examiner in GAU
06-12-2003	Notice of Allowability
06-09-2003	Date Forwarded to Examiner
05-27-2003	Amendment after Final Rejection
03-17-2003	Mail Examiner Interview Summary (PTOL - 413)
03-17-2003	Mail Final Rejection (PTOL - 326)
03-14-2003	Final Rejection
03-05-2003	Date Forwarded to Examiner
03-04-2003	Amendment after Final Rejection
05-21-2002	Examiner Interview Summary Record (PTOL - 413)
12-04-2002	Mail Final Rejection (PTOL - 326)
12-02-2002	Final Rejection
09-20-2002	Date Forwarded to Examiner
09-05-2002	Response after Non-Final Action
09-05-2002	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
06-05-2002	Mail Non-Final Rejection
05-29-2002	Non-Final Rejection
03-27-2002	Date Forwarded to Examiner
03-20-2002	Response to Election / Restriction Filed

02-25-2002	Mail Restriction Requirement
02-25-2002	Requirement for Restriction / Election
04-26-2001	Information Disclosure Statement (IDS) Filed
06-12-2001	Case Docketed to Examiner in GAU
04-19-2001	Application Dispatched from OIPE
04-16-2001	Application Is Now Complete
12-11-2000	Notice Mailed--Application Incomplete--Filing Date Assigned
12-11-2000	Correspondence Address Change
12-11-2000	Correspondence Address Change
11-06-2000	IFW Scan & PACR Auto Security Review
10-24-2000	Initial Exam Team nn

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09/694,789

EMULSIFICATION OF ALKENYL SUCCINIC ANHYDRIDE SIZE

## Patent Term Adjustment History

Patent Term Adjustment (PTA) for Application Number: 09/694,789			
			Days
Filing or 371(c) Date:	10-24-2000	USPTO Delay (PTO):	331
Issue Date of Patent:	09-07-2004	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	156
Post-Issue Petitions (days):	+0	Total PTA:	175
USPTO Adjustment(days):	+0	Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
09-07-2004	Patent Issue Date Used in PTA Calculation	268	
08-18-2004	PTA 36 Months	↑	
08-12-2004	Receipt into Pubs	↑	
08-11-2004	Dispatch to FDC	↑	
08-10-2004	Receipt into Pubs	↑	
11-07-2003	Application Is Considered Ready for Issue	↑	
10-23-2003	Receipt into Pubs	↑	
08-14-2003	Mailroom Date of Issue Fee Payment	↑	
08-13-2003	Miscellaneous Incoming Letter	↑	120
08-13-2003	Mailroom Date of Issue Fee Payment	↑	
08-13-2003	Issue Fee Payment Recorded	↑	
07-25-2003	Workflow - File Sent to Contractor	↑	
06-12-2003	Mail Notice of Allowance	↑	
06-12-2003	Notice of Allowance Data Verification Completed	↑	
06-12-2003	Case Docketed to Examiner in GAU	↑	
06-12-2003	Notice of Allowability	↑	
06-09-2003	Date Forwarded to Examiner	↑	
05-27-2003	Amendment after Final Rejection	↑	
03-17-2003	Mail Examiner Interview Summary (PTOL - 413)	↑	
03-17-2003	Mail Final Rejection (PTOL - 326)	↑	
03-14-2003	Final Rejection	↑	
03-05-2003	Date Forwarded to Examiner	↑	
03-04-2003	Amendment after Final Rejection	↑	
12-04-2002	Mail Final Rejection (PTOL - 326)	↑	
12-02-2002	Final Rejection	↑	
09-20-2002	Date Forwarded to Examiner	↑	
09-05-2002	Response after Non-Final Action	↑	
09-05-2002	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	↑	
06-05-2002	Mail Non-Final Rejection	↑	



05-29-2002	Non-Final Rejection	⬆	
05-21-2002	Examiner Interview Summary Record (PTOL - 413)	⬆	
03-27-2002	Date Forwarded to Examiner	⬆	
03-20-2002	Response to Election / Restriction Filed	⬆	
02-25-2002	Mail Restriction Requirement	63	
02-25-2002	Requirement for Restriction / Election	⬆	
06-12-2001	Case Docketed to Examiner in GAU	⬆	
04-26-2001	Information Disclosure Statement (IDS) Filed	⬆	
04-19-2001	Application Dispatched from OIPE	⬆	
04-16-2001	Application Is Now Complete	⬆	36
12-11-2000	Notice Mailed--Application Incomplete-- Filing Date Assigned	⬆	⬆
12-11-2000	Correspondence Address Change	⬆	
12-11-2000	Correspondence Address Change	⬆	
11-06-2000	IFW Scan & PACR Auto Security Review	⬆	
10-24-2000	Initial Exam Team nn	⬆	

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